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RULES

OF THE

SENATE REPUBLICAN CONFERENCE

PREPARED

UNDER THE DIRECTION

OF

THAD COCHRAN

SECRETARY OF THE REPUBLICAN CONFERENCE

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PREFACE

The Republican Conference of the United States Senate is a descendant of the early American party caucuses that decided party policies, approved appointees, and selected candidates. The meetings were private, and early records of the deliberations do not exist. Senate Republicans began taking formal minutes only in 1911, and they began referring to their organization as the "conference" in 1913.

An early outgrowth of the effort to enhance party unity was the creation in 1874 of a Steering Committee to prepare a legislative schedule for consideration by the Conference. The Committee became a permanent part of the Republican organization. The Steering Committee was a powerful influence on Republican legislative priorities well into the twentieth century; it was rejuvenated by Senator Robert A. Taft of Ohio in 1944 and was the predecessor of the present Republican Policy Committee.

Aside from the Steering Committee, formalized Republican "leadership" in the nineteenth century was minimal; most legislative guidance came from powerful committee chairmen managing particular bills. The Conference began to acquire significance, however, with the election of Senator William B. Allison of Iowa as Chairman in 1897, and during the terms of successors such as Senator Orville H. Platt of Connecticut and Senator Nelson W. Aldrich of Rhode Island. The Chairman in 1915, Senator Jacob H. Gallinger of New Hampshire, recommended that Republicans follow the example of the Democrats, who two years earlier had elected a Whip to maintain a quorum to conduct Senate business. Senator James W. Wadsworth, Jr., of New York was elected both Conference Secretary and Whip; a week later the responsibilities were divided between Senator Wadsworth as Secretary and Senator Charles Curtis of Kansas, who was elected Whip.

The Conference continued to meet in private to assure confidentiality and candor. This practice was suspended only once, on May 27, 1919, when the Conference reaffirmed its commitment to the seniority system for choosing committee chairmen by electing Senator Boies Penrose of Pennsylvania as chairman of the Finance Committee over objections from Progressive Republican insurgents. (This was apparently the first and only open party conference in the history of the Senate.)

During this period, the Chairman also served as informal floor leader. One reason for the lack of a formal post was the fact that committee chairmen usually took responsibility to move to proceed to the consideration of measures reported by their respective committees and managed the legislation on the floor. The first recorded Conference election of a formal Floor Leader was held March 5, 1925, when the Conference Chairman, Senator Curtis of Kansas, was unanimously chosen to serve in both posts.

Throughout the 1920s, when Republicans held the Senate majority, the Conference met chiefly at the beginning of each session to make committee assignments; for the remainder of the session, Members were notified of the order of business by mail. This slow pace continued through the 1930s, when Republican Senators were so few that they dispensed with a permanent Whip, and the Conference Chairman and Floor Leader, Senator Charles L. McNary of Oregon, appointed Senators to serve as whip on particular pieces of legislation.

Senator McNary died in 1944, and the posts of Conference Chairman and Floor Leader were separated in 1945. Senator Arthur H. Vandenberg of Michigan became Chairman and Senator Wallace H. White, Jr., of Maine became Floor Leader. This separation has continued to be one of the chief differences between the Republican and Democratic Conferences, since the Floor Leader of the Democrats has continued to serve as their Conference Chairman.

In 1944, Senator Robert A. Taft of Ohio, still in his first term, persuaded Republicans to revive their Steering Committee, and he became its chairman. In 1946, it became the Republican Policy Committee under legislation appropriating equal funds for policy staffs for the majority and minority parties. Until the mid-1970s, the staffs of the Conference and Policy Committee were housed together under a single staff director who administered their budgets jointly. Staff separation was achieved during 1979–1980 while Senator Bob Packwood of Oregon was Chairman of the Conference.

The form and frequency of Conference meetings has depended upon leadership personalities and legislative circumstances. Since the late 1950s, the Conference has met at the beginning of each Congress to elect the leadership, approve committee assignments, and attend to other organizational matters. Although other meetings are called from time to time to discuss pending issues, the weekly Policy Committee luncheons afford a regular forum for discussion among Senators. As a former Republican Leader, Senator Everett M. Dirksen of Illinois, said in 1959:

> . . . when the Republican Policy Committee meets weekly, it is actually a meeting of the Republican Conference over the luncheon table, at which time we discuss all matters of pending business. Thus, so far as possible, all the information which is within the possession and the command of the leadership is freely diffused to every member.

At the time Senator Dirksen spoke, the elected party leadership included: Chairman of the Conference, Secretary of the Conference, Floor Leader, Whip (now Assistant Floor Leader), and Chairman of the Policy Committee. On July 31, 1980, Conference rules were amended to make the Chairman of the National Republican Senatorial Committee an elected position, a change which brought the rules into conformity with what had become custom.

The Republican Conference has never been a caucus in the dictionary sense, that is, a "partisan legislative group that uses caucus procedures to make decisions binding on its members." Even during the tense years of Reconstruction, Republican Senators were not bound to vote according to Conference decisions. In

1867, for example, when Senator Charles Sumner of Massachusetts refused to follow Conference policy on an issue, and Senator William P. Fessenden of Maine charged, ". . . you should not have voted on the subject [in Conference] if you did not mean to be bound by the decision of the majority," Sumner retorted, "I am a Senator of the United States," and no attempt was made to discipline him. Such independence was reiterated on March 12, 1925, when a resolution introduced by Senator Wesley L. Jones of Washington passed in the Conference without objection:

> To make clear and beyond question the long-settled policy of Republicans that our Conferences are not caucuses or of binding effect upon those participating therein but are meetings solely for the purpose of exchanging views to promote harmony and united action so far as possible,
>
> *Be It Resolved:* That no Senator attending this Conference or any Conference held hereafter shall be deemed to be bound in any way by any action taken by such Conference, but he shall be entirely free to act upon any matter considered by the Conference as his judgment may dictate, and it shall not be necessary for any Senator to give notice of his intention to take action different from any recommended by the Conference.

RULES

OF THE

SENATE REPUBLICAN CONFERENCE

I.

At the beginning of each Congress, or within one week thereafter, a Republican Party Conference shall be held. At that Conference there should be elected the following officers:

Floor Leader
Assistant Floor Leader
Chairman of the Conference
Secretary of the Conference
Chairman of the Policy Committee
Chairman of the National Republican Senatorial Committee

Following the election of the party officers, the membership of the Policy Committee shall be chosen. The Policy Committee shall consist of 22 members. The Chairman of the Conference, the Secretary of the Conference, the Floor Leader, the Assistant Floor Leader, the Chairman of the Policy Committee, the Chairman of the National Republican Senatorial Committee, the President pro tem of the Senate (if a Republican), and the Chairmen (if Republicans) of the standing committees of the Senate listed in paragraph 2 of Rule XXV of the Standing Rules of the Senate shall serve as members ex officio of the Policy Committee.

Such additional members as may be necessary shall be appointed by the Floor Leader, subject to approval by the Conference. Those members so appointed and confirmed shall serve for 2 years and may be reelected to serve for an additional 2 years. A member may serve for 4 consecutive years and no longer, except in an ex officio capacity, but then shall be eligible for later service on the Policy committee only after an interval of 2 years.

In all contested elections, vote shall be by secret written ballot.

The term of office of all party officers herein provided shall extend for not more than 2 years, and shall expire at the close of each Congress.

The Floor Leader shall be an ex officio member of all committees of the Conference.

II.

The Chairman may call a Conference at any time and shall call a Conference whenever requested to do so by the Policy Committee or in writing by 5 or more Senators. The Policy Committee shall meet at least once in 2 weeks, on a fixed day of the week and at a

fixed hour to be determined by the Committee. It may meet at any time on the call of its Chairman. The Committee shall permit any Senator to appear before it upon his request to present any matter in which he is interested.

III.

The Chairman of the Conference shall preside at all Conference meetings and perform such other duties as may be assigned to him by the Conference.

The Secretary shall keep accurate minutes of all Conference proceedings. The minutes of the Conference and of all meetings of committees of the Conference shall be kept by the Secretary for the Minority or Majority, as the case may be, which minutes shall be open to inspection by any member of the Conference. The Secretary or the Secretary for the Minority or Majority, as the case may be, shall notify members of all Conference and Committee meetings. In the absence of the Chairman, the Secretary shall have the same powers and duties to call meetings of the Conference as the Chairman.

The Floor Leader shall perform the customary duties of the Majority or Minority Leader, as the case may be, on the floor of the Senate and shall have full authority to deal with all questions of procedure after consulting the Republican Senators who are concerned.

The Assistant Floor Leader shall assist in securing attendance of members at Party Conferences and upon the floor of the Senate when their presence is considered necessary by the Chairman or the Floor Leader and shall perform such other duties as the Chairman or Floor Leader may require.

The Policy Committee shall consider the legislative program in the Senate and the question whether any Party policy is involved, shall prepare and present recommendations for action by the Conference, and shall advise all Senators on legislative matters which they desire to present to the Policy Committee.

IV.

A Committee on Committees shall be appointed at the beginning of each Congress to prepare and recommend to the Conference the complete assignments of Republican Senators to committees listed in Rule XXV, paragraph 2, of the Standing Rules of the Senate, as well as the Committee on Rules and Administration, and shall recommend the filling of vacancies occurring during the Congress. All other committee assignments shall be made by the Floor Leader unless otherwise specified by law. The Committee shall be appointed by the Chairman of the Conference immediately after his election, subject to confirmation by the Conference.

Subsequent to the selection of committee members, the Republican members of each standing committee at the beginning of each Congress shall select from their number a chairman or ranking minority member, who need not be the member with the longest consecutive service on such committee, subject to confirmation by the Conference. But in any event the selection shall be by a majority of the Republican members of such committee.

If the Republican Conference shall fail to approve a recommendation of any such standing committee for the position of chairman or ranking minority member, the matter shall be recommitted to such committee with or without instructions.

With the exception of chairman or ranking member, rank on each committee shall be determined by length of service on the committee.

This rule shall not apply to any committee membership or chairman or ranking minority position held prior to the 93d Congress.

Except as otherwise provided by this rule, once selected and confirmed, no member of any committee shall be deprived of his assignment or his rank on a committee except by the Conference.

In all elections pursuant to this rule, vote shall be by recorded written ballot, and the result of any such ballot, shall be announced to the Conference and shall be made openly available to the public.

SERVICE AS CHAIRMAN OR RANKING MINORITY MEMBER

The Majority or Minority Leader or Assistant Majority or Minority Leader shall not serve as chairman or ranking member on any standing committee or on any joint committee the membership of which is not determined by ranking position on a standing committee; nor shall any member serve as chairman, except in accordance with the Reorganization Act of 1970, or ranking minority member on more than one standing plus not more than one joint committee, the membership of which is not determined by ranking position on a standing committee; but any member thus required to relinquish a chairmanship or ranking minority member position will assume the position first in seniority following the new chairman or ranking minority member, so long as the respective leadership is held, and when such leadership position is changed the member will revert to his position on that committee if he has not previously given up said committee or been assigned to another committee.

Any member who during the 92d Congress was a ranking member of one standing committee and one joint committee may retain such positions so long as he remains a member of such joint committee.

BUMPING RIGHTS

When a Senator has served on a committee and has lost his membership thereon by a change of committee ratio, he shall have seniority over any and all other Senators to the first vacancy on the committee from which he was removed.

LIMITATION ON COMMITTEE SERVICE

No Senator shall serve at any time on more than one of the following committees: Committee on Appropriations, Committee on Armed Services, Committee on Finance, and Committee on Foreign Relations.

Notwithstanding the limitation contained in this subparagraph, a Senator who on the day preceding the effective date of section 132 of the Legislative Reorganization Act of 1970 was a member of more than one such committee may continue to serve as a member

of each such committee of which he was a member on that day as long as his service on that committee remains continuous after that day.

ASSIGNMENTS OF NEWLY ELECTED SENATORS

The Committee on Committees is instructed to recommend to the Conference assignments of newly elected Senators as follows. Each newly elected Senator shall have one choice for a committee assignment before any of the newly elected Senators may make a second choice. The order of choice in both cases shall be as follows: (1) previous service in the Senate; (2) previous service in the House; and (3) previous service as a Governor of his State. Those members not meeting any of the preceding criteria shall have their order of choice determined by a drawing.

Seniority for Senators shall date from the constitutional time of the convening of Congress, January 3d, and appointment to fill an unexpired term prior to that time shall not affect the seniority of a Member, except in those cases where the appointment is made to fill a vacancy occasioned by the death or inability to serve of his predecessor. In such event seniority shall commence from the date of the appointment. This provision becomes effective with the 97th Congress and relates only to date of service considerations.

V.

A National Republican Senatorial Committee shall be appointed at the beginning of each Congress by the Chairman of the Conference, subject to confirmation by the Conference.

VI.

No action by the Conference upon any matter pending or to be proposed in the Senate shall be binding in any way on members in casting their votes thereon.

VII.

These rules may be amended at any time by a majority vote of the Conference, provided notice of the amendment has been given at least 1 week in advance to every member of the Conference that action will be sought upon the subject covered by the amendment.

SUPPLEMENT TO THE REPUBLICAN CONFERENCE RULES

Previous actions of Republican Conferences and of the Committee on Committees, to be considered as precedents

WAIVER OF SENIORITY RIGHTS

"Where a Republican member of any committee has waived his right to a chairmanship of that committee because of his desire to serve as chairman of another committee, and later there is a change in Senate control, relieving said Senator of his chairmanship, he shall be restored to his position of seniority on the Committee on which he had waived his rights to the chairmanship except where such rights are voluntarily relinquished for the current Congress." (Republican Conference, January 10, 1949.)

* * * * * * *

A resolution regarding the committee seats of Senator Karl E. Mundt, agreed to because of his long illness, was taken in this case as a possible precedent in future similar cases.

"Resolved, That the Republican Conference declare the Committee assignments of Senator Karl E. Mundt temporarily vacant and that the regular procedure for the filling of those vacancies take place.

"Upon completion of the assignments, the remaining vacancy be assigned to Senator Mundt, with the understanding of all concerned that when the Senator is able to again participate his committee positions are to be re-established.

"Further, that the vote on the position be secret and that the vote be announced only in the affirmative or the negative and that the ballots be destroyed.

"If the action is affirmative, the Chairman appoint a committee to call on the Mundts and inform and assure them of our high regard and that the Conference will return his committee assignments upon his recovery." (Republican Conference, February 3, 1972.)

SERVICE RE TWO REPUBLICAN SENATORS FROM SAME STATE SERVING ON THE SAME COMMITTEE

"The Chairman recognized Senator Robert Taft, Jr., of Ohio, who made inquiry concerning what the rule might be concerning two Republicans from the same State serving on the same committee. The Senator had a chance to take an assignment on the Committee on Armed Services, but Senator William B. Saxbe of Ohio, his colleague, was already on the committee.

"The matter was briefly discussed and the Chairman suggested that the committee proceed on the existing principle which had been generally followed in the past, that two Republican Senators from the same State not be assigned to the same committee. He

stated that the Chairman of the Republican Conference had previously appointed a committee to study all matters relating to seniority precedents for possible inclusion in the Conference Rules. The Chairman asked that a motion be made to proceed on the basis of existing precedents. It was made, duly seconded, and agreed to." (Committee on Committees Minutes, January 11, 1973.)

CONFERENCE CONFIRMATION OF RANKING MEMBER BY SECRET BALLOT

The Conference met in accordance with Rule IV requiring Conference confirmation of ranking members selected by Republican members of each Senate committee. Senator Richard Lugar of Indiana had been selected ranking member of the Committee on Foreign Relations by Republican members of that committee, despite the fact that Senator Jesse Helms of North Carolina had greater seniority. The Conference Chairman, Senator John Chafee of Rhode Island, interpreted the "recorded written ballot" required by Rule IV to mean a secret written ballot. On appeal, the ruling of the Chairman was sustained, 33–12.

The remaining question, "that the recommendation of the minority [Republican] members of the Foreign Relations Committee not be confirmed . . . and that the decision on the [ranking] minority member be sent back to the Foreign Relations Committee with instructions to select their ranking member on the basis of seniority," passed 24–17. (Republican Conference Minutes, January 20, 1987.)

SENATORIAL COURTESY IN FEDERAL JUDICIAL APPOINTMENTS

"Recognizing the custom and traditions of the Senate, the Senate Republican Conference hereby directs its Chairman, Senator John H. Chafee, to inform the President of the United States of its support for Senator James M. Jeffords' recommendation of his candidate to be United States District Judge in the State of Vermont." (Republican Conference, November 21, 1989.)

The resolution was offered by Senator Thad Cochran of Mississippi, who based it upon the Senate custom that the recommendation of a Senator of the President's party for a Federal district court judgeship in his State is tantamount to selection. Senator Jeffords of Vermont had submitted the name of a well qualified candidate to fill a vacancy in his State, and the Bush Administration had refused to submit the nomination to the Senate for confirmation.

Excerpts from minutes of a previous Republican Conference and a Steering Committee prior to 1973 to be used only for guidance in making committee assignments

PRECEDENTS IN SELECTION

"Senator White, as Chairman of the Committee on Committees, reported that he had sent a letter to all Senators (sitting and elect) outlining the new committee structure and requesting Senators to indicate their preference for assignments.

"General discussion followed on rules for allocating committee assignments.

"Mr. Loeffler explained the past basis for assignments as follows:

1. Seniority of service on committees.
2. Seniority of service in the Senate.
3. Attention to geographical distribution and balance.
4. No Senator to be assigned to serve on Finance and Appropriations at the same time.
5. No two Republican Senators from the same State to be on the same committee.
6. Ties determined by draw.

"To this Senator White added that in some cases distinctions had to be made by reference to other data such as the public offices held by a Senator before his election to Congress (Governor, etc.).

"No action was taken." (From the Minutes of the Steering Committee of November 14, 1946.)

(According to J. Mark Trice, former Secretary for the Minority, public offices referred to above have been over the years listed in the following order:

1. Previous service in the Senate.
2. Previous service in the House.
3. Previous service as Governor of his State.

(When Senator Dirksen was first elected to the Senate, in order to give him seniority over other members of the House of Representatives also elected at the same time, length of service in the House was added as a factor and has been considered ever since.)

PREVIOUS PUBLIC SERVICE AS BASIS OF COMMITTEE ASSIGNMENT

"The Chairman recognized Senator Robertson who spoke of a printer's error in the listing of the Republican membership on the Committee on Agriculture and Forestry, whereby the name of Senator Kem was placed above that of Senator Thye. Senator Robertson stated that when the Committee on Committees acted, Senator Thye had been placed on the list above Senator Kem because the former had been the Governor of his State.

"The Chairman recognized Senator Kem who questioned the precedent which had been followed by the Committee on Committees whereby in the case of equal qualifications of Senators-elect for Committee service, consideration was given to their previous service in the Senate, previous service in the House of Representatives or previous service as governor of a State.

"The Chairman recognized Senator Robertson who made the following motion, which was seconded and agreed to, 'That the error in the listing of Republican Members on the Committee of Agriculture and Forestry be corrected.' " (Republican Conference Minutes, December 13, 1947.)

APPENDIX

Chairmen of the Republican Conference

William B. Allison (Iowa), 1897–1901, 1904–1906
Eugene Hale (Maine), 1901–1902, 1903–1904, 1906–1907, 1909–1910
Orville Platt (Connecticut) 1902–1903
Nelson W. Aldrich (Rhode Island), 1908–1909
Shelby Cullom (Illinois), 1910–1913
Jacob H. Gallinger (New Hampshire), 1913–1918
Henry Cabot Lodge, Sr. (Massachusetts), 1918–1924
Charles Curtis (Kansas), 1925–1929 (also elected Floor Leader)
James E. Watson (Indiana), 1929–1932 (also elected Floor Leader)
Charles L. McNary (Oregon), 1933–1944 (also elected Floor Leader)
Arthur H. Vandenberg (Michigan), 1945–1946
Eugene D. Millikin (Colorado), 1947–1956
Leverett Saltonstall (Massachusetts) 1957–1966
Margaret Chase Smith (Maine), 1967–1972
Norris Cotton (New Hampshire), 1973–1974
Carl T. Curtis (Nebraska), 1975–1978
Robert Packwood (Oregon), 1979–1980
James A. McClure (Idaho), 1981–1984
John H. Chafee (Rhode Island), 1985—present

Secretaries of the Republican Conference

Charles Curtis (Kansas), 1911–1913
William S. Kenyon (Iowa), 1913–1915
James W. Wadsworth, Jr. (New York), 1915–1927
Frederick Hale (Maine), 1927–1940
Wallace H. White, Jr. (Maine), 1940–1944
Harold H. Burton (Ohio), 1944–1945
J. Chandler ("Chan") Gurney (South Dakota), 1945–1946
Milton R. Young (North Dakota), 1946–1971
Clifford P. Hansen (Wyoming), 1971–1978
E. J. ("Jake") Garn (Utah), 1979–1985
Thad Cochran (Mississippi), 1985—present

Republican Floor Leaders

Charles Curtis (Kansas), 1925–1929 (also Conference Chairman)
James E. Watson (Indiana), 1929–1932 (also Conference Chairman)
Charles L. McNary (Oregon), 1933–1944 (also Conference Chairman)
Wallace H. White, Jr. (Maine), 1945–1948
Kenneth S. Wherry (Nebraska), 1949–1951
Styles Bridges (New Hampshire), 1952
Robert A. Taft (Ohio), 1953
William F. Knowland (California), 1953–1958
Everett McKinley Dirksen (Illinois), 1959–1969
Hugh Scott (Pennsylvania), 1969–1976
Howard H. Baker, Jr. (Tennessee), 1977–1984
Robert Dole (Kansas), 1985—present

Republican Whips

James Wadsworth (New York), 1915
Charles Curtis (Kansas), 1915–1924
Wesley L. Jones (Washington), 1924–1929
Simeon Fess (Ohio), 1929–1933
Felix Hebert (Rhode Island), 1933–1935
Kenneth Wherry (Nebraska), 1944–1949
Leverett Saltonstall (Massachusetts), 1949–1957
Everett Dirksen (Illinois), 1957–1959
Thomas Kuchel (California), 1959–1969
Hugh Scott (Pennsylvania), 1969
Robert Griffin (Michigan), 1969–1977
Ted Stevens (Alaska), 1977–1985
Alan K. Simpson (Wyoming), 1985—present

CHAIRMEN OF THE REPUBLICAN POLICY COMMITTEE

Robert A. Taft (Ohio), 1947–1952
William F. Knowland (California), 1953
Homer Ferguson (Michigan), 1954
Styles Bridges (New Hampshire), 1955–1961
Bourke B. Hickenlooper (Iowa), 1962–1968
Gordon Allott (Colorado), 1969–1972
John Tower (Texas), 1973–1985
William Armstrong (Colorado), 1985—present

CHAIRMEN OF THE NATIONAL REPUBLICAN SENATORIAL COMMITTEE

Ted Stevens (Alaska), 1975–1977
Bob Packwood (Oregon), 1977–1979
John Heinz (Pennsylvania), 1979–1981
Bob Packwood (Oregon), 1981–1983
Richard Lugar (Indiana), 1983–1985
John Heinz (Pennsylvania), 1985–1987
Rudy Boschwitz (Minnesota), 1987–1989
Don Nickles (Oklahoma), 1989—present

34-093 (16)

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